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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,125	11/21/2001	Rikio Yoshikawa	34175	2793

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EXAMINER

NGUYEN, HANH N

ART UNIT PAPER NUMBER

2834

DATE MAILED: 07/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,125

Applicant(s)

YOSHIKAWA ET AL.

Examiner

Nguyen N Hanh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 6-10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 and 11-17 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Remarks

1. In view of Applicant's arguments and amendments, the Examiner withdraws the rejection under 35 U.S.C 112, second paragraph to claims 4,11-17 and the rejection under 35 U.S.C 103 (a) to claims 2,4 and 11.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Park in view of Suzuki et al.

Regarding claim 1, Park discloses an outer rotor type brushless motor comprising an outer rotor having permanent magnets fixed onto an inner periphery of a cup-like rotor yoke, a stator including a stator core having a plural of magnetic pole portions protruded on an outer periphery of an annular portion of said stator core and faced to said permanent magnets and coils wound on said magnetic pole portions, respectively, a cylindrical boss (3 in Fig. 4) disposed on an inner periphery of said annular portion of said stator core, a rotational shaft (5) extending along an axis of said boss and rotationally supported on said boss by a bearing (4) with a leading end of said shaft having a center portion of said rotor yoke fixed thereto and a mounting plate fixed onto an outer periphery of said boss, a rising portion (Fig. 4) being provided on the side

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of an inner peripheral portion of said mounting plate so as to form at the top of said rising portion a face parallel to the face of said inner peripheral portion, said boss being extending through a hole in said mounting plate and fixed thereto and said annular portion of said stator core being fixed by screw to the top of said rising portion.

Park fails to show a boss being formed of resin mold.

However, Suzuki et al. disclose an outer type brushless motor wherein the boss is formed of resin mold (Col. 2, lines 62-68 and Fig. 1) for the purpose of simplifying assembly process (Col. 1, lines 60-65).

Since Park and Suzuki et al. are in the same field of endeavor, the purpose disclosed by Suzuki et al. would have been recognized in the pertinent art of Park.

It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to modify Park by as taught by Suzuki et al. for the purpose of purpose of simplifying assembly process.

Allowable Subject Matter

3. Claims 2-5,11-17 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show an outer rotor type motor, wherein a plural of rising portions being intermittently provided on the inner peripheral portion of the mounting plate so as to form at the tops of said rising portion core supports having a face parallel to the mounting plate. Also, the record of prior art does not show an outer rotor type motor, wherein a plural of radial slots are provided on the top of the rising portion of the mounting plate and the stator core is supported by the ribs of the boss at

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said slots or the stator core is core is supported by the ribs of the boss between adjacent rising portions.

Response to Arguments

5. Applicant's arguments filed 3/13/02 have been fully considered but they are not persuasive. The applicant's argument is on the ground that "the recited reference, Park's patent, does not show a rising portion being provided on a side of an inner peripheral portion of a mounting plate. The stator core is mounted on a collar, which is made from different material, is not the rising portion being provided on a side of the inner peripheral portion of the mounting plate and Suzuki's patent does not provide deficiency of Park's patent". The examiner respectfully disagrees with the Applicant. Even the collar is made from different material and is a different member from the mounting plate, it is still a "rising portion being provided on a side of an inner peripheral portion of a mounting plate" as recited in claim 1. It is noted that all limitation of the claimed invention in claim 1 have been fulfilled by Park except the material of the boss is formed by resin mold. However, Suzuki taught the boss can be formed by resin mold. Moreover, It would have been obvious at the time the invention was made to a person having an ordinary skill in the art to form the boss by resin mold, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. The feature that the Applicant relies on, "the rising portion is formed with the mounting plate as a single piece" was not recited in the rejected claim.

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In short, the claims are interpreted as broad as possible and they still do not clearly and distinctly claim the subject matter of the invention. Therefore, the rejection is still deemed proper.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Information on How to Contact USPTO

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh N Nguyen whose telephone number is (703)305-3466. The examiner can normally be reached on Monday through Friday.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703)308-1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)305-3431 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1782.

HNN

July 15, 2003



Nicholas Ponomarenko
Primary Examiner
Technology Center 2800